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24 *Rimini Street, Inc.*

25 **UNITED STATES DISTRICT COURT**

26 **DISTRICT OF NEVADA**

27 ORACLE USA, INC., et al.,

28 Plaintiffs,

v.

RIMINI STREET, INC., et al.,

Defendants.

Case No. 2:10-cv-00106-LRH-VCF

**RIMINI'S MEMORANDUM IN
SUPPORT OF ORACLE'S MOTION
TO SEAL PORTIONS OF PRE-
HEARING ORDER AND
SUPPORTING DOCUMENTS [ECF
NO. 1485]**

Hearing:

Date: September 20, 2021
Time: 9:00 A.M.
Place: Bruce A. Thompson
Courthouse, Reno, NV
Judge: Hon. Larry R. Hicks

1 Defendant Rimini Street, Inc. (“Rimini”) submits this Memorandum of Points and
 2 Authorities in support of Plaintiffs Oracle International Corporation and Oracle America Inc.’s
 3 (together “Oracle”) Motion to Seal Portions of the Joint Pre-Hearing Order and Supporting
 4 Documents (“Motion to Seal”). ECF No. 1485. Oracle sought to seal portions of the Joint Pre-
 5 Hearing Order (“PHO”) (ECF No. 1486) and Appendices A and B thereto. Rimini agrees that
 6 those documents should be sealed and submits this Memorandum in support thereof.

7 Those documents include information Rimini has designated “Highly Confidential
 8 Information – Attorneys’ Eyes Only” pursuant to the Stipulated Protective Order governing
 9 confidentiality of documents entered by the Court on May 21, 2010, ECF No. 55 (“Protective
 10 Order”), and Rules 5.2 and 26(c) of the Federal Rules of Civil Procedure. Good cause exists to
 11 seal the documents because they contain highly confidential information about Rimini’s
 12 proprietary processes. This Court has regularly granted motions to file under seal similar
 13 information, both in *Rimini I* and *Rimini II*. See, e.g., ECF Nos. 226, 325, 518, 904, 1107, 1228,
 14 1261; see also *Rimini II*, No. 14-CV-1699-LRH-DJA (D. Nev.), ECF Nos. 127, 137, 222, 280–
 15 282, 287, 333–334, 371, 391, 434–436, 602, 625–628, 760–768, 836–849, 1122, 1191.

16 I. **LEGAL STANDARD**

17 Federal Rule of Civil Procedure 26(c) provides broad discretion for a trial court to
 18 permit sealing of court documents for, *inter alia*, the protection of “a trade secret or other
 19 confidential research, development, or commercial information.” Fed. R. Civ. P. 26(c).

20 II. **ARGUMENT**

21 Rimini respectfully requests that the Court seal those portions of the PHO that contain
 22 confidential information regarding Rimini’s business processes or information that Rimini has
 23 designated as “Confidential Information” or “Highly Confidential Information – Attorneys’
 24 Eyes Only” pursuant to the Protective Order. Good cause exists to seal those portion of the
 25 PHO and Appendices thereto, as set forth below.

26 A. **Highly Confidential Information About Rimini’s Proprietary Processes**

27 Portions of the PHO, as well as Appendices A and B, contain descriptions of Rimini’s
 28 proprietary technical processes, information regarding how Rimini provides services to its

1 clients, and confidential details of Rimini's technical processes that Rimini designated "Highly
2 Confidential" elsewhere.

3 Under the Protective Order, "all non-public information" regarding "business plans" or
4 "proprietary technical information and specifications" are properly designated confidential, and
5 "extremely sensitive . . . non-public information" including trade secrets are properly
6 designated as highly confidential. Disclosure of this information, whether in the PHO or the
7 Appendices, would advantage Rimini's competitors, disclosing trade secrets that would allow
8 Rimini's competitors to adopt methods that have made Rimini successful, and more easily allow
9 Rimini's competitors to compete in the third-party software service marketplace. See
10 *Hologram USA, Inc. v. Pulse Evolution Corp.*, No. 14-CV-772, 2015 WL 105793, at *2 (D.
11 Nev. Jan. 7, 2015) (granting motion to seal where documents "contain[ed] information that
12 could injure Plaintiffs' competitive posture in the ... industry"); *Spectrum Pharm. Inc. v.*
13 *Sandoz Inc.*, No. 12-CV-111, 2014 WL 4202540, at *2 (D. Nev. Aug. 21, 2014) (granting
14 motion to seal where documents contained "proprietary, business practice, trade secret, and
15 technical information that could injure the parties' competitive posture"); *Clark v. Metro. Life*
16 *Ins. Co.*, No. 08-CV-158, 2010 WL 1006823, at *1 (D. Nev. Mar. 16, 2010) (granting motion
17 to seal materials that would "bring attention to MetLife's confidential internal business
18 deliberations, organization, and capabilities").

19 This Court has previously granted motions to file under seal portions of documents
20 containing this type of confidential information regarding Rimini's internal business processes.
21 See, e.g., ECF Nos. 226, 325, 518, 904, 1107, 1228, 1261, 1459; see also *Rimini II*, No. 14-CV-
22 1699-LRH-DJA (D. Nev.), ECF Nos. 627, 1122, 1240.

23 Sealing references to Rimini's proprietary information will not frustrate the public's
24 visibility into the judicial process because Rimini requests the targeted sealing of particularly
25 sensitive information and leaves all other Appendices and portions of the PHO unsealed. Only
26 a very small portion of the Pre-Hearing Order is proposed to be redacted from the public.
27
28

1 **B. Names of Certain Rimini Clients And Related Confidential Information**

2 Portions of the PHO and Appendices A and B should also be sealed because they
 3 disclose the identities of, or other confidential information related to, non-party Rimini clients.
 4 Specifically, Rimini submits that the portions that disclose non-public names of Rimini clients
 5 should be sealed for two reasons.

6 First, public disclosure of this information would reveal confidential information about
 7 non-parties against whom Oracle has taken no legal action. For example, disclosing that these
 8 entities use Oracle enterprise software to help run their businesses and that they are Rimini
 9 clients would be unfair to these non-parties because, among other things, it would potentially
 10 allow their competitors to gain insight into how their software support is handled and other
 11 sensitive business matters. Further, many of these clients expect their dealings with Rimini,
 12 including testimony about those dealings, to be kept confidential. Many have not authorized
 13 their relationship with Rimini to be made public, and have contracts that contain non-disclosure
 14 provisions preventing Rimini from publicly disclosing its business relationship with the client.

15 Second, failing to seal references to these clients would provide Rimini's competitors
 16 with a direct competitive advantage by, among other things, allowing those clients to be targeted
 17 and potentially poached more easily. *See, e.g., MAI Sys. Corp. v. Peak Comp., Inc.*, 991 F.2d
 18 511, 521 (9th Cir. 1993) ("The Customer Database has potential economic value because it
 19 allows a competitor . . . to direct its sales efforts to those potential customers that are already
 20 using the MAI computer system."); *Hologram*, 2015 WL 105793, at *1 (granting motion to seal
 21 when documents "contain[ed] information that could injure Plaintiffs' competitive posture in
 22 the . . . industry"); *Spectrum*, 2014 WL 4202540, at *2 (granting motion to seal because
 23 documents contained "proprietary, business practice, trade secret, and technical information
 24 that could injure the parties' competitive posture"); *Clark*, 2010 WL 1006823, at *1 (granting
 25 motion to seal materials that would "bring attention to MetLife's confidential internal business
 26 deliberations, organization, and capabilities").

27 This Court has previously granted motions to file under seal portions of documents
 28 containing references to the identity of Rimini's clients and other confidential client

1 information. *See, e.g.*, ECF Nos. 460, 518, 541, 549. Sealing the references in the PHO and
2 Appendices A and B to the identity of Rimini's clients and related confidential client testimony
3 will not frustrate the public's visibility into the judicial process because, although Rimini has
4 redacted the names of certain clients and their testimony, non-sensitive information remains
5 unredacted. For all these reasons, Rimini requests that Rimini clients' confidential information
6 be sealed.

7 **III. CONCLUSION**

8 For the foregoing reasons, Rimini respectfully requests that the Court grant Oracle's
9 motion for leave to file under seal portions of the PHO and Appendices A and B thereto (ECF
10 No. 1485).

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12 Dated: August 25, 2021

13 GIBSON, DUNN & CRUTCHER LLP
14
15 By: /s/ Eric D. Vandevelde
Eric D. Vandevelde
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17 Attorneys for Defendant
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